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EXAMINER	
CHANKONG, DOHM	

ART UNIT	PAPER NUMBER
2452	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/717,880	ORVENDAL ET AL.	
	Examiner	Art Unit	
	DOHM CHANKONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,10-15 and 22-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8, 10-15, and 22-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This non-final rejection is in response to Applicant's amendment filed on 4/6/2010. In response to the examiner's indication of allowable subject matter recited in the previous non-final rejection which was filed on 1/15/2010, Applicant amends claims 11, 12, 22, and 26. Applicant had previously cancelled claims 7, 9, and 16-21. Accordingly, claims 1-6, 8, 10-15, and 22-29 are presented for further examination.

I. ALLOWABLE SUBJECT MATTER

The indicated allowability of claims 1-6, 8, and 10 is withdrawn in view of reference(s) to *Vasudevan* et al. Rejections based on the newly cited reference(s) follow.

II. RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 1-6, 8, 10-15, and 22-29 have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that Applicant incorrectly states that independent claim 22 has been amended to include the limitation of selecting content type attributes based on a size restriction of the display. This limitation was not amended as part of the claim.

III. CLAIM REJECTIONS - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

A. Claims 10, 11-15, and 29 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10, 11-15, and 29 recite a "computer-readable storage media." This term is given its broadest reasonable interpretation consistent with Applicant's specification. While the specification does describe different types of storage media including a computer's primary or secondary electronic memory, the specification does not limit the term to these embodiments.

The current position of the PTO is that absent a explicitly limiting embodiment in Applicant's specification, the term "storage media" may be interpreted as both transitory (i.e., signals) and non-transitory (i.e., memory) embodiments. Therefore, to overcome this rejection, Applicant should amend the claims to recite "non-transitory computer-readable storage media."

IV. CLAIM REJECTIONS - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

A. Claims 1-6, 8, 10-15 and 26-29 are rejected under 35 U.S.C §103(a) as being unpatentable over *Colson* et al, U.S Patent No. 6.708.217 ["*Colson*"], in view of *Egli* et al, U.S. Patent Publication No. 2003|0110234 ["*Egli*"], in further view of *Montagna* et al, U.S. Patent Publication No. 2004|0242322 ["*Montagna*"], in view of *Vasudevan* et al, U.S. Patent Publication No. 20040267965 ["*Vasudevan*"], in further view of in view of *Warsta* et al, U.S Patent No. 2004|0181550 ["*Warsta*"].

All citations are to *Colson* unless otherwise noted. The examiner previously cited (but did not rely upon) *Vasudevan* and *Warsta* in a PTO-892 filed on 11/27/2007.

Claim Interpretation for "single fidelity measure"

The examiner notes that Applicant's specification discusses one example of a fidelity measure as a number value. However, the term "measure" is subject to a variety of interpretations broader than simply a number or a value. For example, a device's profile that contains or describes a device's capabilities may be interpreted as a "single fidelity measure" because the profile "singularly" indicates a total capability of the device. The rejection that follows relies on this interpretation of a "single fidelity measure."

Claims 1, 10, 11, 26 and 29

As to claim 11, *Colson* as modified by *Egli* and *Montagna* discloses a method for processing a notification, said method comprising:

an interface component to access a data structure representing the notification, said data structure having a plurality of content type fields [Figure 4A «item 410» | column 2 «lines 41-57» where : *Colson* describes the well known feature that packets contain content type identifiers that describe the content types being delivered within the packet], each content type field defining one multimedia component of a plurality of multimedia components of the notification, each of said content type fields having a content data field associated therewith, wherein one of the content type fields has a content data field associated therewith storing non-rendered content data [column 2 «line 50 and 55» | column 7 «lines 45-51» where : each entry of the packet are "to be rendered" by respective devices] relating to the set up of an online game [*Montagna*, 0029, 0053];

a configuration component to determine a single fidelity measure [*Egli,* 0017, 0088, 0092: discussing a client capabilities module that determines a single device profile] of a game

console [column 7 «line 21» where : *Colson*'s handheld mobile computer is a gaming device] singularly indicating the total capability of the game console to render the plurality of multimedia components of the notification [*Egli*, 0088: the profile discloses the device's capabilities related to the rendering of multimedia such as screen size, color capabilities, or screen size characters] and to determine a fidelity tag for each content data field indicating a preference order for the non-rendered content data of the each content data field [*Vasudevan*, Fig. 14: the table specifies a priority order based on content type for different devices. For example, for a PDA, text and graphics have higher preference than video and audio];

a filter component to select one of the content type fields from the data structure accessed by the interface component for processing by the game console based on the fidelity measure determined by the configuration component, [*Egli*, 0107: *Egli* discloses selecting characteristics of the media (notification) for processing based on the device's profile (measure)], said filter component performing said selecting by selecting the content data field having content data with the longest length based on a size restriction of a display associated with the game console [*Warsta*, 0051, 0030, 0056, 0057 where : *Warsta* discloses selecting content data based on the length (the data's memory size or "maximum size") of the content data and whether the length is appropriate for the user device. "Longest length" is interpreted as referring generally to the physical characteristics of the content data. *Warsta*'s content selection based on the physical attributes reads on this interpretation of "longest length"],

wherein the game console receiving the notification executes an application, said application performing an action based on the non-rendered content data associated with the selected content type attribute [column 1 «lines 35-47»], and wherein the game console renders

the notification in accordance with the fidelity measure [*Egli*, 0107] and fidelity tag [*Vasudevan*, 0020, 0129].

As noted in the foregoing claim mapping, *Colson* does not expressly disclose (1) that the non-rendered content relates to the set-up of an online game, (2) determining a fidelity measure and selecting and rendering content type attributes based on the determined measure, (3) determining a fidelity tag for each content data field indicating a preference order for the non-rendered content data of the each content data field, and (4) selecting the content data field having content data with the longest length based on a size restriction of a display. However, these features were well known in the art at the time of Applicant's invention as evidenced by and *Montagna* and *Egli*.

1. *Montagna* discloses non-rendered content relating to the setup of an online game.

Specifically, *Montagna* discloses an online game that uses different types of non-rendered content [0029, 0053]. It would have been obvious to one of ordinary skill in the art to have modified *Colson*'s system to include *Montagna*'s teachings of including online-game related non-rendered content data. One would have been motivated to modify *Colson* to be useful for gaming applications as taught by *Montagna* [0004].

2. *Egli* discloses utilizing a fidelity measure for selecting and rendering content type attributes.

Egli is directed towards an invention for rendering different content types based on the capabilities of a user device [0028]. *Egli* further teaches calculating a fidelity measure as an indicator of a user device's capability to render content [0088: a device profile represents a single

measure of the device's capability] and using this measure as a basis for selecting and rendering the content within the packet [0107].

It would have been obvious to one of ordinary skill in the art to have modified *Colson*'s invention to include *Egli*'s fidelity measure and associated functionality. Such a modification is an example of using a known technique (*Egli*'s selection and rendering of content based on a fidelity measure) to improve similar devices (methods, or products) (*Colson*'s notification system) in the same way (selecting the most appropriate content for display on a device based on the device's capabilities). This rationale to combine *Colson* and *Egli* also applies to independent claims 22, 26, and 29.

3. *Vasudevan* discloses determining a fidelity tag for each content data field indicating a preference order for the non-rendered content data of the each content data field.

Like the present application, *Vasudevan* is directed to rendering different types of content at devices [abstract]. *Vasudevan* discloses setting a number for different content types based on the type of device [Fig. 14]. The numbers in *Vasudevan*'s Fig. 14 read on Applicant's claimed fidelity tag because they both indicate a preference for which content types should get priority for rendering on the device.

It would have been obvious to one of ordinary skill in the art to have modified *Colson* to include *Vasudevan*'s fidelity tag and associated functionality. Such a modification is an example of using a known technique (*Vasudevan*'s fidelity tag to establish an order for how different content types are to be rendered at a device) to improve similar devices (methods, or products) (*Colson*'s notification system) in the same way (prioritizing the rendering of suitable content types for display on a device based on the device's capabilities).

4. *Warsta* discloses selecting the content data field having content data with the longest length based on a size restriction of a display.

Warsta discloses a packet having a content type attribute having a content data attribute that stores content data [Figures 4 and 5]. *Warsta* expressly discloses selecting the content data attribute having content data with the longest length that fits on a display associated with the user device.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified *Colson*'s system with *Warsta*'s content selection functionality. *Warsta* discloses that selecting content data based on length (memory size or actual physical size) allows users to receive copies of content that is most appropriate for their particular device's capabilities [0009]. Based on *Warsta*, one of ordinary skill would have been motivated to improve upon *Colson*'s content delivery.

5. Claims 1, 10, 26, and 29

As to claims 1, 10, 26, and 29, they recite similar limitations as discussed above with respect to claim 11. Therefore, claims 1, 10, 26, and 29 are rejected for at least the same reasons set forth for claim 11.

Claims 2 and 12

Colson does disclose defining a filtered data packet [Figure 2 «items 270f, 270c, 270d» | column 9 «lines 17-19»] but does not expressly disclose that the filtered data packet includes the content type attribute and content data attribute. However, *Colson* does disclose that filtered data content includes the content data and the "document content" from the original packet sent from the server [column 7 «lines 57-62» | column 9 «lines 17-19»]. *Colson* discloses the use of content-type attribute and content data attribute within data packets [column 2 «lines 35-57»].

Thus, one of ordinary skill in the art could have reasonably inferred that *Colson*'s filtered data packet (that is sent to the corresponding devices) comprises the content type and content data attributes from the original data packet.

Claims 3 and 13

Colson discloses sending the filtered data packet to a data communication network for processing [column 7 «line 57» to column 8 «line 15» where : *Colson* discloses routing the content (filtered from the original data packet) to the respective devices for rendering].

Claims 4 and 14

Colson discloses effecting the delivery of the filtered data packet via a data communication network to the user device for processing [column 7 «line 57» to column 8 «line 15» where : *Colson* discloses routing the content (filtered from the original data packet) to the respective devices for rendering].

Claims 5, 17, and 19

Colson discloses that a data packet comprising a device hint attribute storing a characteristic value representative of a specific user device, said device hint attribute being associated with one of the content type attributes, and wherein selecting one of the content type attributes comprises selecting one of the content type attributes to process based on the determined characteristic of the user device and the characteristic value stored in the device hint attribute [Fig. 3 «items 312, 322, 332, 342» | column 4 «lines 35-41»: *Colson* discloses sending a device identifier that is capable of rendering the device. *Colson*'s device identifier reads on the claimed device hint attribute. The identifier stores the type of the device that can render the

content. *Colson* further discloses selecting the appropriate content type based on the type of device].

Claims 6, 15, and 27

Colson discloses receiving the data packet via a data communication network from a content provider [Figure 2 «items 230, 240» where : *Colson*'s server reads on Applicant's claimed content provider].

Claim 8

Colson does not expressly disclose truncating content data wherein said truncating occurs responsive to a size restriction associated with a display of the user device. However, such functionality was well known in the time of Applicant's invention as evidenced by *Warsta*. *Warsta* discloses truncating content data wherein said truncating occurs responsive to a size restriction associated with a display of the user device [0028 where : *Warsta* discloses reducing an image's resolution to fit on the device's display].

It would have been obvious to one of ordinary skill in the art to have modified *Colson*'s system with *Warsta*'s data truncating functionality. One would have been motivated to modify *Colson* as *Warsta*'s functionality enables all users to receive content data that is specifically adapted to the capabilities of their devices [see *Warsta*, 0030]. Such a modification improves *Colson*'s content delivery system by enabling the appropriate content to be delivered to users.

Claim 28

Colson as modified by *Egli, Montagna, Vasudevan*, and *Warsta* discloses:

defining a filtered data packet including the selected content type attribute and content data attribute associated therewith [see rejection of claim 2]; and

sending the filtered data packet to the data communication network to provide content data formatted for the game console [column 7 «line 57» to column 8 «line 14»].

B. Claims 22-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Colson* and *Egli*, *Montagna*, and *Vasudevan*, in further view of Smith et al, U.S. Patent No. 6.463.462 ["Smith"].

Claim 22

As to claim 22, *Colson* discloses a system for processing a notification, said system comprising:

a first memory area to store routing preferences of a user [*Smith*, Fig. 4 | column 2 «lines 42-45»: routing profiles];

a second memory area to store a single fidelity measure of a game console associated with the user [column 7 «line 21» where : *Colson*'s handheld mobile computer is a gaming device], said fidelity measure indicating the capability of the game console to render the notification [*Egli*, 0017, 0088];

an alerts service adapted to receive a data packet from a content provider, said data packet having a plurality of content type attributes each defining one multimedia component of the plurality of multimedia components to be rendered by the game console, each content type attribute having a content data attribute associated therewith storing non-rendered content data [*Egli*, 0107: *Egli* discloses selecting characteristics of the media (notification) for processing based on the device's profile (measure)]; and

a third memory area to store a fidelity tag for each content data attribute indicating a preference order for the non-rendered content data of the each content data attribute [*Vasudevan*,

Fig. 14: the table specifies a priority order based on content type for different devices. For example, for a PDA, text and graphics have higher preference than video and audio],

wherein the alerts service delivers the received data packet to the game console based on the routing preferences stored in the first memory area [*Smith*, column 2 «lines 57-59»: routing messages based on the routing profiles], the fidelity measure stored in the second memory area [*Egli*, 0087, 0088: profile stored at a server], wherein said received data packet includes non-rendered content relating to the set up of an online game on the game console [*Montagna*, 0029, 0053] and wherein the game console renders the notification in accordance with the fidelity measure [*Egli*, 0107] and the fidelity tag [*Vasudevan*, 0020].

Colson as modified by *Li, Montagna*, and *Vasudevan* (combined for the reasons set forth in the rejection of claim 11) does not expressly disclose storing user routing preferences. However, user routing preferences in the context of a multi-content notification system was well known in the art at the time of Applicant's invention. *Smith* discloses a first memory that stores user routing preferences and delivering data packets based on said routing preferences [Fig. 4 and associated description].

It would have been obvious to one of ordinary skill in the art to have modified *Colson* as modified by *Li* and *Montagna* to include *Smith*'s teachings of enabling a user to specify how to route packets that contain different types of content. One would have been motivated to modify *Colson* as *Smith*'s teaching enhances the user's control over which devices should handle certain content types.

Claim 23

As to claim 23, *Colson* as modified by *Egli*, *Montagna*, *Vasudevan*, and *Smith* discloses said first memory area storing an ordered list of the computing devices [Figure 3 «item 302» : the second column of the registry reads on the first memory area | column 8 «lines 15-22»].

Claim 24

As to claim 24, *Colson* as modified by *Egli*, *Montagna*, *Vasudevan*, and *Smith* discloses said second memory area to store the device characteristic identifying a processing capability of the computing devices including one or more of the following: hypertext markup language, text, graphics, extensible markup language, audio, and video [Figure 3 : the first column reading on the second memory area].

Claim 25

As to claim 25, *Colson* as modified by *Egli*, *Montagna*, *Vasudevan*, and *Smith* discloses the non-rendered content comprises extensible markup language data [column 1 «lines 44-47»].

V. CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452